

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

DAVID WALKER, et al.,

Plaintiff,

vs.

CITY OF OREM, et al.,

Defendants.

MEMORANDUM DECISION AND
ORDER GRANTING MOTION IN
LIMINE RE: TATTOO

Case No. 2:02-CV-253 TS

Defendant John Clayton seeks to exclude evidence of a tattoo he obtained after the events at issue for trial. The Court finds that evidence of a subsequently-obtained tattoo is not relevant to issues at this trial and is, therefore, not admissible.¹ The Court further finds that where the tattoo is not relevant to identification of Defendant, any probative value could only be substantially outweighed by the danger of unfair prejudice to Defendant. The tattoo cannot be offered to show character or propensity.² Finally, the Court finds that evidence of a subsequently-obtained tattoo

¹Fed. R. Evid. 401 (defining relevant evidence) and 402 (providing all relevant evidence is admissible).


²Fed. R. Evid. 403.

would be confusing to the jury.³ It is therefore

ORDERED that Defendant Clayton's Motion in Limine Regarding the Relevance of Anticipated Testimony and/or Evidence of John Clayton's Tattoos (Docket No. 298) is GRANTED and there shall be no questions, evidence, or comment on his tattoo(s).

DATED October 5, 2007.

BY THE COURT:



TED STEWART
United States District Judge

³*Id.*